

REMARKS

This responds to the Office Action mailed on April 7, 2005.

Claims 1-3, 8-9, 15-17, 22-24 and 27 are amended, and no claims are canceled or added; as a result, claims 1-27 remain pending in this application. Claims 2-3, 9, 16-17, and 23-24 include amendments to correct minor typographical errors and to reflect correct antecedent basis. These amendments are thus not in response to an art-based rejection.

In addition, the specification has been amended as indicated above to correct element references and to add a reference to element 310 to the specification. Applicant submits that the amendment to the specification overcomes the objections to both the drawings and the specification, and respectfully requests withdrawal of the objections.

Further, the Office Action stated that the title was not descriptive. Applicant has amended the application to provide a more descriptive title.

§112 Rejection of the Claims

Claims 5, 12, 19, 22, and 26 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses these grounds for rejection and points out that the term “substantially” is definite as determined by *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960); MPEP § 2173.05(b)(D). Furthermore Applicant notes that one of ordinary skill in the art would appreciate that there are typically minor variations in any particular implementation of a communications protocol, and that the term “substantially conforms” is intended to include protocol implementations having these minor variations. Applicant respectfully requests reconsideration and withdrawal of the rejection.

§103 Rejection of the Claims

Claims 1-6, 8-13, 15-20, and 22-26 were rejected under 35 USC § 103(a) as being unpatentable over Busick (U.S. 6,636,151) in view of Cash (U.S. 5,729,197). In order for a *prima facie* case of obviousness to exist, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully submits that a *prima facie* case of obviousness does not exist because the cited references do not teach or suggest all of the elements of the claims as amended.

As an example, claim 1 as amended recites "sending the alert message regarding the fault through a second communications interface to a proxy system for forwarding to a management system, the second communications interface communicably coupling the first system to the proxy system through a private network." Claims 8 and 15 recite similar language. The Office Action correctly states that Busick does not disclose sending the alert message through a second communications interface to a proxy system. The Office Action goes on to state that Cash discloses sending an alert through a second cellular telecommunications medium when a first wired telecommunications medium is unable to send the alert. The wired telecommunications medium and the cellular telecommunications medium are both public telephone infrastructure. This is different from the private network media recited in Applicant's claims 1, 8 and 15 as amended. Applicant has reviewed Busick and Cash and can find no teaching or disclosure of sending an alert message to a proxy system through a second private network when a first communications medium has failed or is unavailable.

Claim 22 as amended recites that the monitored system, proxy system and management system are communicably coupled using first and second private networks. As discussed above, the combination of Busick and Cash does not disclose using a second private network to send alert messages when a first interface to a first private network fails.

Applicant further notes that the Office Action states that a cellular phone infrastructure may be proxy system because accepts an incoming message containing an alert and processes the message in order to forward the message to a management system. Applicant respectfully disagrees with this interpretation of a cellular phone infrastructure. A cellular phone infrastructure may accept messages for relaying to a receiving system. However, the cellular

phone infrastructure provides a general relay service for messages, it does not specifically handle alert messages differently from any other message received over the cellular phone infrastructure. Further, Applicant respectfully submits that the cellular phone infrastructure does not include a proxy system specifically configured to receive and process alert messages. As a result, the cellular phone infrastructure is not a proxy system as the term is used in Applicant's specification and claims.

For the reasons above, Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 8, 15 and 22.

Claims 2-6 depend either directly or indirectly from claim 1; claims 9-13 depend either directly or indirectly from claim 8; claims 16-20 depend either directly or indirectly from claim 15; and claims 23-26 depend either directly or indirectly from claim 22. These dependent claims inherit the elements of their respective base claims and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 2-6, 9-13, 16-20 and 23-26.

Claims 7, 14, 21, and 27 were rejected under 35 USC § 103(a) as being unpatentable over Busick (U.S. 6,636,151) in view of Cash (U.S. 5,729,197) and further in view of Emerson et al. (U.S. 6,774,904). Claims 7, 14, 21 and 27 each inherit the elements of their respective base claims 1, 9, 15 and 22, and thus include sending an alert message over a second private network when a first private network is unavailable. As discussed above, the combination of Busick and Cash fails to teach or suggest sending an alert message over a second private network when a first private network is unavailable. Applicant has reviewed Emerson, and can find no teaching or suggestion of any elements that send an alert message over a second private network when a first private network is unavailable. Therefore the combination of Busick, Cash, and Emerson fails to teach or suggest all of the elements of claims 7, 14, 21 and 27. As a result, claims 7, 14, 21 and 27 are nonobvious in view of the combination of Busick, Cash and Emerson. Therefore Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 7, 14, 21 and 27.

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AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 10/674,936
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Title: PROXY ALERTING
Assignee: Intel Corporation

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6954) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

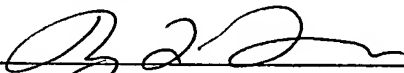
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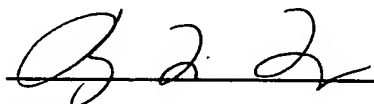
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15th day of August, 2005.

Rodney L. Lacy

Name



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